

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks. Claims 1-7, 9 and 11 are pending in the application. Reconsideration of the claims is respectfully requested.

In paragraph 2 on page 3 of the Office Action, claims 1 and 2 were finally rejected under 35 USC § 102(b) as being anticipated by Zeiter et al. (6,494,491). In paragraph 2 on page 4 of the Office Action, claims 3-5 were finally rejected under 35 USC § 103(a) as being unpatentable over Zeiter et al. in view of Yamauchi et al. (5,575,507). In paragraph 3 on page 5 of the Office Action, claim 5 was finally rejected under 35 USC § 103(a) as being unpatentable over Zeiter et al. in view of Waldhoff (5,316,343). In paragraph 4 on page 5 of the Office Action, claims 6, 7 and 9 were finally rejected under 35 USC § 103(a) as being unpatentable over Yamauchi et al. Applicants respectfully traverse the rejections.

Zeiter fails to teach or suggest at least a protective overlayer having a second machine-readable indicia integrally formed thereon during application of the protective overlayer over the image receiving layer as recited in Applicants' claim 1. Rather, Zeiter discloses that images 12, 14 are printed on the outer faces of the film layer 10a,b. Col. 5, lines 55-60. In sharp contrast, in Applicants' invention, the protective overlayer has a second machine-readable indicia integrally formed thereon during application of the protective overlayer, not printed on after the formation of the protective overlayer.

Yamauchi fails to remedy the deficiencies of Zeiter. As the Office Action admits, Yamauchi fails to disclose a protective overlayer having a second machine-readable indicia integrally formed thereon.


Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the third applied prior art reference to Waldhoff is moot, inasmuch as the combination of Zeiter, Yamauchi and Waldhoff still lack any teaching, disclosure, or suggestion concerning a protective overlayer having a second machine-readable indicia integrally formed thereon as previously discussed.

In view of the above remarks, Applicants respectfully submit that claim 1 is patentable over the cited references. Rejected independent claims 2, 6 and 7

recite one or more feature generally similar to those of claim 1 discussed above and, for similar reasons as discussed above, are believed to be patentable over the cited references. Because claims 3-5, 11 and 9 depend from claims 2 and 7, respectively, and include the features recited in the independent claims as well as additional features, Applicants respectfully submit that claims 3-5, 9 and 11 are also patentably distinct over the cited references.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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